STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of HAZNA BLEWETT, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

NICOLE IRONS,

Respondent-Appellant.

UNPUBLISHED
October 18, 2007

No. 276643
Macomb Circuit Court
Family Division
LC No. 2005-059027-NA

In the Matter of THOMAS BLEWETT, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

NICOLE IRONS,

Respondent-Appellant.

No. 276644
Macomb Circuit Court
Family Division
LC No. 2005-059030-NA

In the Matter of JAYNIE ABUAWAD, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

NICOLE IRONS,

Respondent-Appellant.

No. 276645
Macomb Circuit Court
Family Division
LC No. 2006-000479-NA

Before: Wilder, P.J., and Borrello and Beckering, JJ.

PER CURIAM.

In Docket Nos. 276643, 276644, and 276645, respondent appeals as of right an order terminating her parental rights to her three minor children pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g) and (j). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). Once the lower court determines that a statutory ground for termination has been established, it "shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5). See also *In re Trejo*, 462 Mich 341, 352-354; 612 NW2d 407 (2000). We review a decision terminating parental rights for clear error. MCR 3.977(J); *Trejo*, *supra* at 356. We "review for clear error both the court's decision that a ground for termination has been proven by clear and convincing evidence and . . . the court's decision regarding the child's best interest." *Trejo*, *supra* at 356-357.

Respondent argues that the statutory grounds for terminating her parental rights were not established by clear and convincing evidence. The grounds under which the trial court terminated respondent's parental rights are:

> (c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:
>
> (*i*) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.
>
> (*ii*) Other conditions exist that cause the child to come within the court's jurisdiction, the parent has received recommendations to rectify those conditions, the conditions have not been rectified by the parent after the parent has received notice and a hearing and has been given a reasonable opportunity to rectify the conditions, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.
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> * * *
>
> (g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.
>
> * * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent. [MCL 712A.19b(3).]

There was clear and convincing evidence, based on respondent's conduct, that the children would be harmed if returned to respondent's home. Respondent has already demonstrated that she has the capacity to harm her children. When Hazna and Thomas were taken into custody in June 2005, Hazna had a number of bruises on her body. As a result, respondent was criminally charged and pleaded no contest to second-degree child abuse of Hazna. Respondent also has a lengthy and significant mental health history, and this also puts the children at risk of harm. In addition, domestic violence had been an issue in respondent's home, and this would also clearly put the children at risk of harm. Contrary to respondent's testimony, the record reveals that respondent was living with Lucas Abuawad (Abuawad), the father of Jaynie Abuawad, who was born on September 24, 2006. Abuawad admitted that he has a criminal history, including assault on a police officer, and the record reveals that he also has, at a minimum, issues with anger management. When respondent was pregnant with Jaynie, she and Abuawad considered making an adoption plan for Jaynie.[1] Joanne Mulhere, who has a master's degree in social work and was employed by Beaumont Hospital, was referred to work with respondent based on respondent's desire to place her newborn with an adoptive family. According to Mulhere, Abuawad was in favor of the adoption, but respondent was unsure. On September 26, 2006, two days after Jaynie was born, there was a meeting at the hospital between respondent, Abuawad, and the prospective adoptive parents and their attorney. At this meeting, Mulhere witnessed Abuawad "screaming" at respondent and "forcing" her to sign papers relating to the adoption. Mulhere also testified that at this meeting, Abuawad screamed at the attorney involved in the adoption, "you're making a ton of money off this [adoption], and I need money too." Abuawad's conduct prompted Mulhere to call security. According to Mulhere, respondent and Abuawad then decided that they were not going to place the baby with the adoptive parents, and Abuawad was so angry that he threw respondent's cigarettes at her and left the hospital without her. Given the fact that domestic violence has been an issue in respondent's home in the past, respondent's choice of Abuawad as a significant other is a poor one given his criminal history and his demonstrated propensity for anger and violence. We therefore find that Abuawad's presence in respondent's home would put the children at risk of harm if they were returned to respondent's home.

Respondent vehemently denies the trial court's finding that Abuawad was residing in respondent's home. The trial court's determination in this regard required the trial court to evaluate the credibility of respondent's testimony as well as the testimony of other witnesses. We defer to the lower court's judgment regarding issues of credibility. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

For the reasons explained above, we find that there was clear and convincing evidence that there was a reasonable likelihood, based on respondent's conduct, that the children would be

[1] The adoption was not carried out, apparently because of a dispute over money between respondent and Abuawad and the prospective adoptive parents.

harmed if returned to respondent's home. Because there was clear and convincing evidence to support the trial court's termination of respondent's parental rights under (j), we need not decide whether there was clear and convincing evidence under (c)(i), (c)(ii), or (g). Only one statutory ground is required to terminate parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

The gist of respondent's argument on appeal is that her parental rights were improperly terminated because she substantially complied with the parent agency agreement (PAA). It is true that she substantially complied with the PAA, and the trial court acknowledged as much. A parent's compliance with a PAA is evidence of the parent's ability to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003); *Trejo*, *supra* at 360-363. However, respondent's substantial compliance with the PAA does not negate the evidence regarding the likelihood of harm to the children if they were returned to respondent's home. Therefore, while we applaud respondent's compliance with the PAA, it is simply insufficient to warrant returning the children to her care given the risk of harm to the children. See *In re Gazella*, 264 Mich App 668, 677; 692 NW2d 708 (2005).

Respondent also argues that it was not in the children's best interests to terminate respondent's parental rights. If the lower court finds that a statutory ground for termination has been established, it must terminate parental rights unless termination was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 352-354. Given the risk of harm to the children if they were returned to respondent's home, we find that termination was clearly in the children's best interests.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Stephen L. Borrello
/s/ Jane M. Beckering